

# **EXHIBIT A**

**Hills Point Industries LLC d/b/a Gorilla Commerce v. Just Fur Love LLC, Case No. 22-1256-JLH****DISPUTED CONSTRUCTIONS<sup>1</sup>****Apparatus to Prevent Curling of a Rug Corner Patents (U.S. Patent Nos. 10,806,285 and 11,141,013)**

<b>No.</b>	<b>Asserted Patent(s) and Claims</b>	<b>Terms</b>	<b>JFL's Proposed Construction, Intrinsic Evidence, and Explanation</b>	<b>Gorilla Commerce's Proposed Construction, Intrinsic Evidence, and Explanation</b>
1	11,141,013 Claims 1-2, 8-10	"rigid"	<p>"stiff enough to control the flexibility and durability of the apparatus"</p> <p>Exemplary Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>'013 patent generally and at Abstract; 1:47-50; 1:55-63; 2:36-61; 3:4-18; 3:28-4:30; Figs. 1-3; Figs. 5-8; Claims 1-2 &amp; 8-10</li> <li>'285 patent generally and at Abstract; 1:41-57; 2:16-60; Figs. 1-3; Claims 1-9</li> </ul>	<p>"unable to bend without breaking; not flexible; stiff"</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>'285 Patent: Abstract; 1:49-57; 2:22-25; 2:53-60; 3:1-4:38</li> <li>'013 Patent: Abstract; 1:59-63; 2:41-44; 3:10-18; 4:39-6:39</li> <li>Appl. No. 14/542,774: Response to Office Action dated November 17, 2016.</li> </ul>
	10,806,285 Claims 1-9			
2	11,141,013 Claims 1, 8, 14	"Apparatus to prevent curling of a rug corner away from a floor surface"	No construction necessary; preamble is not limiting	<p>Preamble is limiting</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>'285 Patent: 1:23-40, 49-57; 2:53-59; Claims 1, 4, 7</li> <li>'013 Patent: 1:29-46, 55-63; 3:10-16; Claims 1, 8, 14</li> <li>Reexam No. 90/015,030: Response to Non-Final Office Action, dated Dec. 15, 2022; Examiner Interview Summary Record, dated Jan. 26, 2023</li> </ul>
	10,806,285 Claims 1, 4, 7			

<sup>1</sup> The parties agree that each may rely on the intrinsic evidence identified by the other parties.

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				<ul style="list-style-type: none"> <li>• Appl. No. 15/196,139: Request for Continued Examination dated Oct. 9, 2018; Notice of Allowance dated March 11, 2019</li> </ul>
3	11,141,013 Claims 1-2, 8-9	“body”	<p>No construction necessary. In the alternative, the plain and ordinary meaning is: “physical structure”</p> <p>Exemplary Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>• '013 patent generally and at Abstract; 1:47-67; 2:29-52; 2:62-3:18; Figs. 1-3; Claims 1-2 &amp; 8-9</li> <li>• '285 patent generally and at Abstract; 1:41-57; 2:16-60; Figs. 1-3; Claims 1-2, 4-5, &amp; 7-8</li> </ul>	<p>“v-shaped structure having two elongated legs which maintains the rug corner in a flat condition”</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>• '285 Patent: Abstract; Figs. 1, 2; 1:41-53; 1:66-67; 2:1-2; 2:9-15, 2:47-56</li> <li>• '013 Patent: Figs. 1, 2; 1:47-59; 1:64-66; 2:8-11; 2:29-25; 3:4-9</li> <li>• Reexam No. 90/015,030: Examiner Interview Summary Record, dated Jan. 26, 2023</li> </ul>
	10,806,285 Claims 1-2, 4-5, 7-8			
4	11,141,013 Claims 1, 8, 14	“lamine structure”	<p>No construction necessary.</p> <p>In the alternative, the plain and ordinary meaning is: “layered structure”</p> <p>Exemplary Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>• '013 patent generally and at Abstract; 2:36-40; 3:28-41; 3:58-67; Figs. 3, 5, &amp; 7; Claims</li> </ul>	<p>Same as “body,” or alternatively “a structure compromising a body and an elastomer layer”</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>• '285 Patent: Abstract; Figs. 1, 2; 1:41-57; 2:17-60</li> </ul>
	10,806,285 Claims 1, 4, 7			

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			1, 8 and 14 <ul style="list-style-type: none"> <li>'285 patent generally and at 2:17-21; Fig. 3; Claims 1, 4, &amp; 7</li> </ul>	<ul style="list-style-type: none"> <li>'013 Patent: Figs. 1, 2; 2:29-3:9;</li> <li>Reexam No. 90/015,030: Response to Non-Final Office Action, dated Dec. 15, 2022</li> </ul>
5	11,141,013 Claim 14	"plastic bonding layer"	No construction necessary. In the alternative, the plain and ordinary meaning is: "plastic layer that bonds"  Exemplary Intrinsic Evidence: <ul style="list-style-type: none"> <li>'013 patent generally and at 3:28-4:30; Figs. 5-8; Claim 14</li> </ul>	"non-rigid layer made of plastic, which bonds to the elastomer layer"  Intrinsic Evidence: <ul style="list-style-type: none"> <li>'013 Patent: Figs. 5, 6, 8; 3:28-57; 4:1-30</li> </ul>

**Hills Point Industries LLC d/b/a Gorilla Commerce v. Just Fur Love LLC, Case No. 22-1256-JLH****Cat Litter Mat Patents (U.S. Patent Nos. 11,044,886 and 11,116,177)**

<b>No.</b>	<b>Asserted Patent(s) and Claims</b>	<b>Terms</b>	<b>JFL's Proposed Construction, Intrinsic Evidence, and Explanation</b>	<b>Gorilla Commerce's Proposed Construction, Intrinsic Evidence, and Explanation</b>
6	11,044,886 Claims 1-2, 7-9, 12, 14-16	"[first/second] planar layer"	<p>No construction necessary. In the alternative, the plain and ordinary meaning is: "layer lying substantially within a plane"</p> <p>Exemplary Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>'886 patent generally and at 2:13-17; 2:65-3:3; Fig. 1; Claims 1-2, 7-9, 12, &amp; 14-16</li> <li>'177 patent generally and at 2:18-33; 3:14-19; 4:18-34; Figs. 1 &amp; 4; Claims 1 &amp; 6-7</li> </ul>	<p>"continuous flat layer extending in the same plane in all directions throughout use (i.e. in use and open positions)"</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>'886 Patent: Figs. 1-3; 2:33-35; 3:4-12, 28-29</li> <li>'177 Patent: Figs. 1-6; 2:44-46; 3:20-27, 46-47; 6:13-17</li> </ul>
	11,116,177 Claims 1, 6-7	"planar [upper/lower] layer"		
7	11,044,886 Claims 1, 7	"open position"	<p>No construction necessary. In the alternative, the plain and ordinary meaning is: "positioned such that the upper surface of the first planar layer of the mat is exposed"</p> <p>Exemplary Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>'886 patent generally and at 3:43-45; Fig. 2; Claims 1, 7 &amp; 15</li> </ul>	<p>"position in which the second planar layer is pivoted away from the first planar layer to expose the upper surface of the first planar layer for cleaning the mat"</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>'886 Patent: Figs. 1, 2; 3:4-11, 43-49</li> <li>App. No. 15/245,274: Amendment and Response to OA, dated June 8, 2018.</li> <li>Provisional App. No. 62/238,331</li> </ul>

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8	11,116,177 Claim 1	"said planar upper layer positionable over said planar lower layer"	<p>No construction necessary. In the alternative, the plain and ordinary meaning is: "said planar upper layer can be positioned on top of said planar lower layer"</p> <p>Exemplary Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>'177 patent generally and at 3:52-56; Fig. 1; Claim 1</li> </ul>	<p>"user is able to adjust the upper layer relative to the lower layer, including by placing the upper layer over the lower layer"</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>'177 Patent: Abstract; Figs. 1-6; 3:4-11; 3:43-49</li> </ul>
9	11,116,177 Claim 1	"the upper surface of the planar lower layer being treated with a water repellant"	<p>"the upper surface of the planar lower layer being constructed of or coated with a water repellant material"</p> <p>Exemplary Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>'177 patent generally and at 2:55-57; 3:14-19; 3:46-51; 4:10-31; Figs. 1-4; Claims 1-3 &amp; 10-12</li> </ul>	<p>"the material of the upper surface of the planar lower layer is coated with a water repelling chemical after the mat is constructed"</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>'177 Patent: 2:4-11, 19-25, 55-57; 3:45-51; 4:10-17, 22-29; Claims 1-3</li> <li>Provisional App. No. 62/238,331</li> </ul>
10	11,044,886 Claim 6, 20	"said openings are hexagonal in shape"	<p>Plain and ordinary meaning: "openings with hexagonal cross section"</p> <p>Exemplary Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>'886 patent generally and at 2:18-22; Claims 6, 13, &amp; 20</li> </ul>	<p>"spaced openings have a hexagonal shape at both the upper and lower surfaces of the second planar layer"</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>'886 Patent: Figs. 1-3; 2:18-33; 12-27; Claim 6, 13, 20</li> </ul>

**Hills Point Industries LLC d/b/a Gorilla Commerce v. Just Fur Love LLC, Case No. 22-1256-JLH****Design Patents**

No.	Asserted Patent(s) and Claims	Terms	JFL's Proposed Construction, Intrinsic Evidence, and Explanation	Gorilla Commerce's Proposed Construction, Intrinsic Evidence, and Explanation
12	D917,204 Claim 1	N/A	No construction necessary;  "the ornamental design for a corner device for a floor covering, as shown and described in Figures 1–7."	<p>The following elements of the '204 patent are functional and should not be considered part of the design:</p> <ol style="list-style-type: none"> <li>1. The general thin flat shape of the design shown in Figs. 4 and 5 is functional. Absent such a thin and flat design, the "pair of corner devices for a floor covering" would raise the floor covering from the floor and present a tripping hazard.</li> <li>2. The general mitered design at one end of each of the "corner devices" is functional. The mitered design is necessary to place the "pair of corner devices" onto the corner of the "floor covering."</li> <li>3. The texture shown in the "bottom plan view" in Figs. 2 and 6 denotes a hook-and-loop fastener to attach to the unclaimed element in dotted lines in Figs. 2 and 6.</li> <li>4. The design of the top shown in Figs. 3 and 7 is limited to overall shape outline with no further</li> </ol>

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				<p>ornamentation.</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> <li>• D'204 Patent Generally;</li> <li>• Appl. No. 29/723,518: Response to <i>Ex Parte</i> Quayle Action dated Dec. 17, 2020</li> <li>• Appl. No. 29/723,518: Response to Restriction Requirement dated Aug. 25, 2020</li> </ul>
13	D968,129 Claim 1	N/A	<p>No construction necessary;</p> <p>“the ornamental design for a corner device for a floor covering, as shown and described in Figures 1–7.”</p>	<p>The following elements of the '129 patent are functional and should not be considered part of the design:</p> <p>1. The general thin flat shape of the design shown in Figs. 4 and 5 is functional. Absent such a thin and flat design, the “pair of corner devices for a floor covering” would raise the floor covering from the floor and present a tripping hazard.</p> <p>2. The general mitered design at one end of each of the “corner devices” is functional. The mitered design is necessary to place the “pair of corner devices” onto the corner of the “floor covering.”</p>



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				<p>3. The design is limited to overall shape outline shown in Figs. 1-3 with no further ornamentation in the top or bottom views.</p> <p>4. The claimed design has a specific length and proportion with one pointed but rounded end and an opposing end that is not pointed at all.</p> <p>Intrinsic evidence:</p> <ul style="list-style-type: none"> <li>• D'129 Patent Generally;</li> <li>• Appl. No. 29/713,723: Amendment in Response to Non-Final Office Action, dated May 19, 2020</li> <li>• Appl. No. 29/713,723 (Appeal 2022-000787): Appeal Brief, dated Dec. 9, 2020; PTAB Decision on Appeal, dated Sept. 2, 2022</li> </ul>